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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
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**M-10-1181**

COMPLAINT

UNITED STATES OF AMERICA

- against -

(21 U.S.C. § 841(a)(1))

JOHN DONATO,

Defendant.

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EASTERN DISTRICT OF NEW YORK, SS:

Joseph Doherty, being duly sworn, deposes and says that he is a Special Agent with the United States Drug Enforcement Administration ("DEA"), duly appointed according to law and acting as such.

On or about and between August 27, 2010 and October 8, 2010, both dates being approximate and inclusive, within the Eastern District of New York, the defendant JOHN DONATO did knowingly and intentionally possess with intent to distribute controlled substances, which offense involved substances containing cocaine and oxycodone, Schedule II controlled substances.

(Title 21, United States Code, Section 841(a)(1)).

The source of your deponent's information and the grounds for his belief are as follows:<sup>1</sup>

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<sup>1</sup> Because this affidavit is being submitted for the limited purpose of establishing probable cause to arrest the defendant, I have not included details of every aspect of this investigation.

1. I have been a Special Agent with the DEA for approximately ten (10) years. I am currently assigned to the DEA, New York Field Division, Long Island District Office. The facts set forth in this affidavit are based on my personal knowledge and observations, conversations with other law enforcement officers, reports of other law enforcement officers, an interview of the defendant JOHN DONATO, my review of various documents and records related to this investigation, and my training and experience.

2. For approximately the past two months, the DEA has been conducting an investigation into the defendant JOHN DONATO for distribution of Cocaine and Oxycodone. The DEA has been conducting this investigation through the use of undercover agents ("UC-1" and "UC-2" or, collectively, "UCs").

3. During the course of this investigation, the UCs have had numerous conversations, in person and by telephone, with DONATO about the purchase of narcotics, including Cocaine and Oxycodone. As set forth below, the UCs have purchased cocaine, Cocaine and Oxycodone from DONATO on a number of occasions.

4. On or about August 27, 2010, at approximately 12:45 p.m., UC-1 received an telephone call from DONATO, asking the UCs to pick him up at his residence and drive him to Far Rockaway, New York, to retrieve cocaine from his cocaine source of supply ("SOS"). During a recorded call, DONATO told UC-1 that

he had 14 grams of cocaine earlier that morning but "it's gone already."

5. The UCs met with DONATO and then they all drove together to meet the cocaine SOS. During the drive, DONATO stated that his SOS had previously delivered a "quarter-bird" (250 grams of cocaine) to DONATO's residence. DONATO stated that he has been purchasing cocaine from the SOS on a weekly basis, for ten years. DONATO also stated that he only enters the SOS's residence when he purchases 500 grams or more of cocaine. DONATO stated that he was only purchasing 2 ounces that day, so there was no need for him to enter the SOS's residence.

6. After meeting his SOS, DONATO entered the UC vehicle and removed an object from under his shirt. UC-2 identified the object as two clear plastic baggies containing a white substance consistent with the description of two ounces of cocaine. DONATO placed the baggies inside his waistband. At that time, the UCs and DONATO left the area.

7. The UCs and DONATO arrived and parked in the vicinity of his residence in East Atlantic Beach, New York. At that time, UC-2 observed two Nassau County Police Department patrol cars parked in front of DONATO's residence. DONATO exited the UC vehicle. While exiting, DONATO dropped one of the previously described clear plastic baggies. DONATO picked up the baggie and secreted it inside his underwear. DONATO then met

with Nassau County Police Department officers regarding a neighbor's complaint about a trailer DONATO had improperly parked on the street. After this conversation, DONATO entered his residence.

8. Approximately 5 minutes later, UC-1 received a call from DONATO. DONATO instructed UC-1 to meet with him at the door of DONATO's residence. Moments later, UC-1 met with DONATO and was handed a small clear plastic baggie containing a white powdery substance. The substance in the plastic baggie later tested positive for the presence of approximately 7 grams of cocaine.

9. On or about September 14, 2010, at approximately 7:17 pm, the UC's purchased 105 OxyContin® tablets ranging from 15 to 80 milligram strength<sup>2</sup> from DONATO in Long Beach, New York for the purchase price of \$3,200.

10. On or about September 17, 2010, at approximately 4:40 pm, the UC's negotiated with DONATO via telephone to purchase additional Oxycontin® tablets. During the negotiations, DONATO requested that the UC's perform the transaction inside his residence. For safety reasons, the UC's suggested performing the transaction at an alternate location. At approximately 8:23 pm, DONATO sold the UC's 60 tablets of Roxicodone® ranging from 15 to

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<sup>2</sup> Oxycodone is the active ingredient in OxyContin® pills.

80 milligram strength<sup>3</sup> for the purchase price of \$500.00.

11. On or about September 22, 2010, at approximately 5:33 p.m., DONATO was observed leaving his residence, after which he immediately met with UC-1 nearby. At that time, DONATO sold ninety-five 80 mg Oxycontin® tablets and fourteen 15 mg Roxicodone® tablets to UC-1 for the purchase price of \$4,700.


12. On or about October 8, 2010, DEA agents and Task Force Officers, including myself, executed the search warrant for defendant JOHN DONATO's residence, during which time defendant DONATO was interviewed, following waiver of his Miranda rights. In sum and substance and relevant part, the defendant admitted that he had suspected the UCs were undercover law enforcement

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<sup>3</sup> Oxycodone is the active ingredient in Roxicodone® pills.

officers and confirmed his participation in the deals referenced above.

WHEREFORE, your deponent respectfully requests that the defendant JOHN DONATO be dealt with according to law.

  
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Joseph Doherty  
Special Agent  
Drug Enforcement Administration

Sworn to before me this  
10<sup>th</sup> day of October 2010  
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